

Law Office of Francis J. O'Reilly, Esq.  
Attorneys for Sean M. Dunn  
1961 Route 6  
Carmel, NY 10512  
(845) 225-5800

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

Sean M. Dunn,  
  
Debtor.

Chapter 7  
Case No.: 18-36566(cgm)

LAK3, LLC,  
  
Plaintiff,

Adv. Proc. No.: 18-09038(cgm)

v.

Sean M. Dunn,  
  
Defendant.

**ANSWER TO AMENDED COMPLAINT OF LAK3, LLC SEEKING  
DETERMINATION OF (I) DISCHARGEABILITY OF DEBT PURSUANT  
TO 11 U.S.C. §§ 523(a)(2), (4) and (6); and (II) DENIAL OF DEBTOR'S  
DISCHARGE PURSUANT TO 11 U.S.C. §§ 727(A)(2), (3) AND (4)**

Defendant, Sean M. Dunn, answering the Amended Complaint of Plaintiff, LAK3, LLC,  
by his attorney, Francis J. O'Reilly, Esq., states the following:

**JURISDICTION, STATUTORY PREDICATE AND VENUE**

1. Defendant admits the allegations contained in paragraph "1" of plaintiff's  
Complaint.

2. Defendant admits the allegations contained in paragraph “2” of plaintiff’s Complaint.

3. Defendant admits the allegations contained in paragraph “3” of plaintiff’s Complaint.

4. Defendant admits the allegations contained in paragraph “4” of plaintiff’s Complaint.

#### **PROCEDURAL HISTORY AND GENERAL ALLEGATIONS**

5. Defendant admits the allegations contained in paragraph “5” of plaintiff’s Complaint.

6. Defendant admits the allegations contained in paragraph “6” of plaintiff’s Complaint.

7. Defendant denies the allegations contained in paragraph “7” of plaintiff’s Complaint.

8. Defendant denies the allegations contained in paragraph “8” of plaintiff’s Complaint.

9. Defendant denies the allegations contained in paragraph “9” of plaintiff’s Complaint.

10. Defendant denies the allegations contained in paragraph “10” of plaintiff’s Complaint.

11. Defendant admits the allegations contained in paragraph “11” of plaintiff’s Complaint.

12. Defendant admits the allegations contained in paragraph “12” of plaintiff’s Complaint.

13. Defendant admits the allegations contained in paragraph “13” of plaintiff’s Complaint.

14. Defendant admits the allegations contained in paragraph “14” of plaintiff’s Complaint.

15. Defendant admits the allegations contained in paragraph “15” of plaintiff’s Complaint.

16. Defendant admits the allegations contained in paragraph “16” of plaintiff’s Complaint.

17. Defendant admits the allegations contained in paragraph “17” of plaintiff’s Complaint.

#### **THE PARTIES**

18. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “18” of plaintiff’s Complaint.

19. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “19” of plaintiff’s Complaint.

20. Defendant admits the allegations contained in paragraph “20” of plaintiff’s Complaint.

#### **COUNT I – OBJECTION TO DISCHARGE UNDER 11 U.S.C. §523(a)(2) FOR FALSE PRETENSES, REPRESENTATIONS OR ACTUAL FRAUD**

21. Defendant repeats, reiterates and realleges each and every response contained in paragraphs “1” through “20” with the same force and effect as if more fully set forth herein.

22. Defendant admits the allegations contained in paragraph “22” of plaintiff’s Complaint.

23. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “23” of plaintiff’s Complaint.

24. Defendant admits the allegations contained in paragraph “24” of plaintiff’s Complaint.

25. Defendant admits the allegations contained in paragraph “25” of plaintiff’s Complaint.

26. Defendant admits the allegations contained in paragraph “26” of plaintiff’s Complaint.

27. Defendant denies the allegations contained in paragraph “27” of plaintiff’s Complaint.

28. Defendant denies the allegations contained in paragraph “28” of plaintiff’s Complaint.

29. Defendant denies the allegations contained in paragraph “29” of plaintiff’s Complaint.

30. Defendant denies the allegations contained in paragraph “30” of plaintiff’s Complaint.

31. Defendant denies the allegations contained in paragraph “31” of plaintiff’s Complaint.

32. Defendant denies the allegations contained in paragraph “32” of plaintiff’s Complaint.

33. Defendant denies the allegations contained in paragraph “33” of plaintiff’s Complaint.

34. Defendant admits the allegations contained in paragraph “34” of plaintiff’s Complaint.

35. Defendant denies the allegations contained in paragraph “35” of plaintiff’s Complaint.

36. Defendant denies the allegations contained in paragraph “36” of plaintiff’s Complaint.

37. Defendant admits the allegations contained in paragraph “37” of plaintiff’s Complaint.

38. Defendant admits the allegations contained in paragraph “38” of plaintiff’s Complaint.

39. Defendant admits the allegations contained in paragraph “39” of plaintiff’s Complaint.

40. Defendant denies the allegations contained in paragraph “40” of plaintiff’s Complaint.

41. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “41” of plaintiff’s Complaint.

42. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “42” of plaintiff’s Complaint.

43. Defendant admits the allegations contained in paragraph “43” of plaintiff’s Complaint.

44. Defendant admits the allegations contained in paragraph “44” of plaintiff’s Complaint.

45. Defendant denies the allegations contained in paragraph “45” of plaintiff’s Complaint.

46. Defendant admits the allegations contained in paragraph “46” of plaintiff’s Complaint.

47. Defendant denies the allegations contained in paragraph “47” of plaintiff’s Complaint.

48. Defendant denies the allegations contained in paragraph “48” of plaintiff’s Complaint.

49. Defendant admits the allegations contained in paragraph “49” of plaintiff’s Complaint.

50. Defendant admits the allegations contained in paragraph “50” of plaintiff’s Complaint.

51. Defendant admits the allegations contained in paragraph “51” of plaintiff’s Complaint.

52. Defendant denies the allegations contained in paragraph “52” of plaintiff’s Complaint.

53. Defendant denies the allegations contained in paragraph “53” of plaintiff’s Complaint.

54. Defendant denies the allegations contained in paragraph “54” of plaintiff’s Complaint.

55. Defendant admits the allegations contained in paragraph “55” of plaintiff’s Complaint.

56. Defendant denies the allegations contained in paragraph “56” of plaintiff’s Complaint.

**COUNT II-OBJECTION TO DISCHARGE UNDER  
11 U.S.C. §523(a)(4) FOR DEFALCATION BY A FIDUCIARY**

57. Defendant repeats, reiterates and realleges each and every response contained in paragraphs “1” through “56” with the same force and effect as if more fully set forth herein.

58. Defendant admits the allegations contained in paragraph “58” of plaintiff’s Complaint.

59. Defendant admits the allegations contained in paragraph “59” of plaintiff’s Complaint.

60. Defendant admits the allegations contained in paragraph “60” of plaintiff’s Complaint.

61. Defendant admits the allegations contained in paragraph “61” of plaintiff’s Complaint.

62. Defendant denies the allegations contained in paragraph “62” of plaintiff’s Complaint.

63. Defendant admits the allegations contained in paragraph “63” of plaintiff’s Complaint.

64. Defendant admits the allegations contained in paragraph “64” of plaintiff’s Complaint.

65. Defendant denies the allegations contained in paragraph “65” of plaintiff’s Complaint.

66. Defendant admits the allegations contained in paragraph “66” of plaintiff’s Complaint.

67. Defendant admits the allegations contained in paragraph “67” of plaintiff’s Complaint.

68. Defendant admits the allegations contained in paragraph “68” of plaintiff’s Complaint.

69. Defendant admits the allegations contained in paragraph “69” of plaintiff’s Complaint.

70. Defendant admits the allegations contained in paragraph “70” of plaintiff’s Complaint.

71. Defendant denies the allegations contained in paragraph “71” of plaintiff’s Complaint.

72. Defendant denies the allegations contained in paragraph “72” of plaintiff’s Complaint.

73. Defendant denies the allegations contained in paragraph “73” of plaintiff’s Complaint.

74. Defendant denies the allegations contained in paragraph “74” of plaintiff’s Complaint.



**COUNT III-OBJECTION TO DISCHARGE UNDER  
11 U.S.C. §523(a)(4) FOR EMBEZZLEMENT**

75. Defendant repeats, reiterates and realleges each and every response contained in paragraphs “1” through “74” with the same force and effect as if more fully set forth herein.

76. Defendant admits the allegations contained in paragraph “76” of plaintiff’s Complaint.

77. Defendant admits the allegations contained in paragraph “77” of plaintiff’s Complaint.

78. Defendant denies the allegations contained in paragraph “78” of plaintiff’s Complaint.

79. Defendant admits the allegations contained in paragraph “79” of plaintiff’s Complaint.

80. Defendant admits the allegations contained in paragraph “80” of plaintiff’s Complaint.

81. Defendant denies the allegations contained in paragraph “81” of plaintiff’s Complaint.

82. Defendant denies the allegations contained in paragraph “82” of plaintiff’s Complaint.

83. Defendant denies the allegations contained in paragraph “83” of plaintiff’s Complaint.

84. Defendant denies the allegations contained in paragraph “84” of plaintiff’s Complaint.

85. Defendant denies the allegations contained in paragraph “85” of plaintiff’s Complaint.

**COUNT IV-OBJECTION TO DISCHARGE UNDER  
11 U.S.C. §523(a)(6) FOR WILLFUL AND MALICIOUS INJURY**

86. Defendant repeats, reiterates and realleges each and every response contained in paragraphs “1” through “85” with the same force and effect as if more fully set forth herein.

87. Defendant admits the allegations contained in paragraph “87” of plaintiff’s Complaint.

88. Defendant denies the allegations contained in paragraph “88” of plaintiff’s Complaint.

89. Defendant denies the allegations contained in paragraph “89” of plaintiff’s Complaint.

90. Defendant denies the allegations contained in paragraph “90” of plaintiff’s Complaint.

91. Defendant denies the allegations contained in paragraph “91” of plaintiff’s Complaint.

92. Defendant denies the allegations contained in paragraph “92” of plaintiff’s Complaint.

**COUNT V-DENIAL OF DISCHARGE UNDER 11 U.S.C. §727(a)(2)  
FOR FRAUDULENT PRE-PETITION TRANSFERS**

93. Defendant repeats, reiterates and realleges each and every response contained in paragraphs “1” through “92” with the same force and effect as if more fully set forth herein.

94. Defendant denies the allegations contained in paragraph “94” of plaintiff’s Complaint.

95. Defendant denies the allegations contained in paragraph “95” of plaintiff’s Complaint.

96. Defendant denies the allegations contained in paragraph “96” of plaintiff’s Complaint.

97. Defendant denies the allegations contained in paragraph “97” of plaintiff’s Complaint.

98. Defendant denies the allegations contained in paragraph “98” of plaintiff’s Complaint.

**COUNT VI-DENIAL OF DISCHARGE UNDER  
11 U.S.C. §727(a)(3) FOR FAILURE TO KEEP RECORDS**

99. Defendant repeats, reiterates and realleges each and every response contained in paragraphs “1” through “98” with the same force and effect as if more fully set forth herein.

100. Defendant admits the allegations contained in paragraph “100” of plaintiff’s Complaint.

101. Defendant admits the allegations contained in paragraph “101” of plaintiff’s Complaint.

102. Defendant admits the allegations contained in paragraph “102” of plaintiff’s Complaint.

103. Defendant admits the allegations contained in paragraph “103” of plaintiff’s Complaint.

104. Defendant admits the allegations contained in paragraph “104” of plaintiff’s Complaint.

105. Defendant admits the allegations contained in paragraph “105” of plaintiff’s Complaint.

106. Defendant denies the allegations contained in paragraph “106” of plaintiff’s Complaint.

107. Defendant admits the allegations contained in paragraph “107” of plaintiff’s Complaint.

108. Defendant denies the allegations contained in paragraph “108” of plaintiff’s Complaint.

109. Defendant denies the allegations contained in paragraph “109” of plaintiff’s Complaint.

110. Defendant denies the allegations contained in paragraph “110” of plaintiff’s Complaint.

**COUNT VII-DENIAL OF DISCHARGE UNDER 11 U.S.C. §727(a)(4)  
FOR FALSE OATH IN CONNECTION WITH THE BANKRUPTCY CASE**

111. Defendant repeats, reiterates and realleges each and every response contained in paragraphs “1” through “110” with the same force and effect as if more fully set forth herein.

112. Defendant admits the allegations contained in paragraph “112” of plaintiff’s Complaint.

113. Defendant admits the allegations contained in paragraph “113” of plaintiff’s Complaint.

114. Defendant admits the allegations contained in paragraph “114” of plaintiff’s Complaint.

115. Defendant admits the allegations contained in paragraph “115” of plaintiff’s Complaint.

116. Defendant denies the allegations contained in paragraph “116” of plaintiff’s Complaint.

117. Defendant denies the allegations contained in paragraph “117” of plaintiff’s Complaint.

118. Defendant denies the allegations contained in paragraph “118” of plaintiff’s Complaint.

119. Defendant denies the allegations contained in paragraph “119” of plaintiff’s Complaint.

120. Defendant denies the allegations contained in paragraph “120” of plaintiff’s Complaint.

121. Defendant denies the allegations contained in paragraph “121” of plaintiff’s Complaint.

WHEREFORE, defendant, Sean M. Dunn, demands judgment dismissing the Amended Complaint of the plaintiff, together with the costs and disbursements of this action.

Dated: Carmel, New York  
January 3, 2019

Law Office of Francis J. O'Reilly, Esq.

By: /s/ Francis J. O'Reilly, Esq. (fo0473)  
Attorney for Sean M. Dunn  
1961 Route 6  
Carmel, NY 10512  
(845) 225-5800 – Telephone  
(845) 225-5906 – Facsimile  
[foreilly@verizon.net](mailto:foreilly@verizon.net)

To: Rosen & Associates, P.C.  
Attorneys for LAK3, LLC  
747 Third Avenue  
New York, NY 10017-2803